

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	CASE NO. 18-68840-JRS
	)	
Scottie Lamar Cousins,	)	CHAPTER 13
Debtor,	)	
	)	JUDGE SACCA
	)	
	)	
IH6 Property Georgia, LP,	)	<b>CONTESTED MATTER</b>
Movant,	)	
	)	
vs.	)	
	)	
Scottie Lamar Cousins,	)	
Debtor,	)	
	)	
Nancy J. Whaley, Trustee,	)	
Respondents.	)	

**AFFIDAVIT OF DEBTOR'S NONCOMPLIANCE WITH TERMS OF  
STRICT COMPLIANCE ORDER**

PERSONALLY APPEARED before the undersigned officer duly authorized  
to administer oaths, Brandi N. Wade, who first being sworn on oath deposes and  
states as follows:

1.

My name is Brandi N. Wade; I am over 21 years of age and suffering from no disease or defect that would render me incompetent to testify before this Court. I am competent to testify to all matters set forth herein and do so based upon my personal knowledge.

2.

I am an attorney licensed to practice law in the State of Georgia.

3.

I represent IH6 Property Georgia, LP as its legal counsel in the above-styled matter.

4.

Per this Court's Order Denying Motion for Relief from Stay With Strict Compliance, entered on March 28, 2019, Debtor was required to pay rent, late fees, and utilities in the amount of \$3,793.94 by February 11, 2019, as stipulated in the Court's Order, and resume strict compliance with the lease and monthly rental payments beginning March 1, 2019. Rent is due under the lease agreement on or before the first day of each month. Debtor failed to tender the required amount of \$1,592.37 for the post-petition arrearage through November 2019 as required.

5.

On November 21, 2019, this firm mailed Debtor and Debtor's counsel a Notice of Default Pursuant to Order Denying Motion for Relief from Stay With Strict Compliance. A copy of the Notice of Default is attached as Exhibit 1.

6.

Debtor failed to cure said default within five days of receipt of the aforementioned Notice of Default.

7.

As of this date, Debtor remains in possession of the property in question in this matter despite his failure to make said payments due under this Court's Order.

8.

Pursuant to Debtor's failure to Comply with this Court's order, Movant respectfully requests that this Court enter an order lifting the automatic stay under §362(a).

FURTHER AFFIANT SAYETH NAUGHT

This 5th day of December, 2019.



Brandi N. Wade  
Georgia Bar No. 868917  
*Attorney for Movant*

Sworn and subscribed before me  
this 5 day of December, 2019.

  
Notary Public

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 12, 2019, I electronically filed the foregoing Affidavit of Debtor's Non-Compliance with Terms of Strict Compliance Order using the CM/ECF system, or through first class mail, which will provide notice to the following parties:

Scottie Lamar Cousins  
PO Box 2236  
Jonesboro, GA 30237-2236  
*Debtor*

Robert Scott Rickman  
Rickman & Associates, PC  
Suite 2200  
1755 North Brown Road  
Lawrenceville, GA 30043  
Counsel for Debtor

Daniel R. Saeger  
Rickman & Associates, PC  
706 S. Thornton Ave., Ste. D  
Dalton, GA 30720  
Counsel for Debtor

Nancy J. Whaley  
Standing Ch. 13 Trustee  
303 Peachtree Center Avenue  
Suite 120, SunTrust Garden Plaza  
Atlanta, GA 30303  
*Trustee*  
O'KELLEY & SOROHAN  
ATTORNEYS AT LAW, LLC

/s/ Brandi N. Wade  
Brandi Nicole Wade  
Georgia Bar No. 868917  
*Counsel for Movant*